

REMARKS

Claim 1 has been amended include “undertaking a spatial representation of the optical waveguide as an overlapping spatial combination of two or more guide pieces with an analytically representable surface.” This amendment supported on page 9, lines 1-16, of the specification.

The Examiner has objected to claims 7 as being in improper dependent form. Claim 7 was amended in a preliminary amendment filed with this national stage application on January 24, 2006. Following this amendment this claim is in independent form. Since this claim is not a dependent claim, this objection does not apply.

Claims 1-6 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. Specifically, the Examiner alleges that “[m]erely determining transmission behavior would not appear to be sufficient to constitute a tangible result, since the outcome of the determination step has not been ‘claimed’ as being used in a disclosed practical application nor ‘claimed’ as made available in a manner that its usefulness in a disclosed practical application can be realized.” The outcome of the determination step has been claimed. The claims specify that a transmission behavior is determined by finding a intersection point that belongs to a real material transition. As described in the specification, these transition points are what is used to describe the transmission behavior optical wave guides. Since obtaining the transmission behavior for an optical waveguide is an important tangible result, this rejection should be withdrawn.

Claims 1-7 stand rejected under 35 USC 102(b) as being anticipated by Himmler. This rejection is respectfully traversed. The cited reference only deals with ray-tracing on cylindrical or prismatic surfaces which can easily be described mathematically. More specifically, these intersection points on these surfaces can be determined using analytical tools as described in the Background of the Invention, Page 2, lines 4-25.

Applicants claim methods utilizing ray-tracing on more complicated surfaces of waveguides showing breaks and acute angles. Under these circumstances, the traditional ray tracing approaches

described in the cited prior art cannot be applied because it is not possible to find analytical expressions describing these surfaces. Since Himmler fails to disclose or suggest the claimed ray tracing techniques, the rejection of claims 1-7 should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **449122086300**.

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Respectfully submitted,

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